

10/14/05 290.1078USN

JC04 Rec'd PCT/PTO 19 OCT 2005

PCT
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of
 Sami Vaarala, Antti Nuopponen
 Serial No. 10/500,930

Filed: 8 July 2004

For: METHOD AND SYSTEM FOR
 SENDING A MESSAGE
 THROUGH A SECURE
 CONNECTION

Examiner:

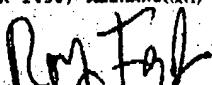
Date: 14 October 2005

Art Unit

Confirmation No.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE DOCUMENTS REFERRED TO AS BEING ATTACHED OR ENCLOSED HEREWITH ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE ON October 14, 2005 AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.


 Rolf Fasth
 Attorney for Applicant

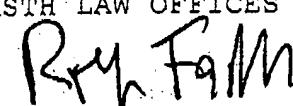
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Enclosed for filing in the above-referenced application are the following:

- (X) Copy of Decision On Petition dated 15 September 2005
- (X) Signed Oath or Declaration of the Inventors
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the filing of this correspondence, or credit over-payment, to Account No. 06-0243.

Respectfully submitted,
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~~Has BEEN CHANGED.~~

In re Application of VAARALA et al
Application No.: 10/500,930
PCT Application No.: PCT/FI03/00045
Int. Filing Date: 21 January 2003
Priority Date Claimed: 22 January 2002
Attorney Docket No.: 290.1078USN
For: METHOD AND SYSTEM FOR SENDING A
MESSAGE THROUGH A SECURE CONNECTION

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on applicants' Petition For Revival Under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office (PTO) on 13 June 2005.

BACKGROUND

On 21 January 2003, applicants filed international application PCT/FI03/00045. The international application claims a priority date of 22 January 2002 and designates the United States. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 31 July 2003. The deadline for paying the basic national fee in the United States was thirty months from the priority date, that is 22 July 2004.

On 8 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee as required by 35 U.S.C. 371(c)(1), a copy of the international application, and an unexecuted declaration of the inventors.

On 13 December 2004, a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors and a surcharge under 37 CFR 1.492(e). This Notification set a two (2) month period for reply, with extensions of time obtainable under 37 CFR 1.136(a).

On 13 June 2005, applicants filed the instant petition for revival accompanied by, *inter alia*, the petition fee of \$750, an executed declaration as required by 35 U.S.C. 371(c)(4), and the surcharge of \$65 for the late declaration.

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Application No. 10/500,980

DISCUSSION

Applicants' response filed 13 June 2005 was within the time limits set by the Notification of Missing Requirements, which provided for a two (2) month period for reply, with extensions of time available. Applicants' response was filed in the fourth month, so a four month extension fee of \$795 is required. This fee has been charged to Deposit Account No. 06-0243 as authorized. Applicants' response included an executed declaration as required by 35 U.S.C. 371(c)(4) and the surcharge of \$65 for the late declaration. As such, applicants' reply is timely and the application is not abandoned. Therefore, the petition to revive is moot and the \$750 fee has been credited back to counsel's Deposit Account.

The declaration filed 13 June 2005 is defective because it does not include the entire declaration signed by each inventor. See MPEP 201.03, which states:

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Thus, applicants' declaration is defective because it is a combined declaration consisting of two individually executed declarations. The declarations must include all of the pages of the declaration signed by each of the inventors.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is DISMISSED as MOOT.

Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth above. Applicant is given **ONE (1) MONTH** from the mailing date of this notice, within which to supply the substitute declaration or oath in order to avoid abandonment. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136.

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